Report From the Grass Roots: **Witch Hunt in Philadelphia's Schools—See Page 2**

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Desperate Men and Ghoulish Politics

The fury of the press with the President Wednesday reflected not only a sense of elementary fairness but the frustration which developed Monday when a major portion of the press corps camped all day outside the Attorney General's office. New revelations had been promised in the White case. But all day the Attorney General could not make up his mind whether to see the press. Brownell finally ducked out of the building late in the afternoon after sending to the mimeograph room a quite inadequate statement which not only added nothing to the charges against the late Harry Dexter White but backed down on Brownell's charges against former President Truman.

Brownell had told the Executives' Club luncheon in Chicago "I can now announce . . . that the records in my Department show that White's spying activities for the Soviet government were reported in detail by the FBI to the White House by means of a report delivered to President Truman through his military aide." This says that the records show the report was delivered to Truman. But there was a different version in the skimpy statement Brownell issued Monday after taking a run-out powder rather than face the press. Now Brownell merely said that the FBI transmitted the report "to Brigadier General Harry H. Vaughan . . . for the attention of the President."

There was a second discrepancy. In Chicago Brownell said the December report gave White's spying activities "in detail." These were the details for which the press corps waited. But on Monday the Attorney General spoke of the December document as "a general report on the subject of Soviet espionage activity in the United States." The document to which he referred was printed in the report of the Jenner committee last August. Here White was mentioned in passing among many others named by Elizabeth Bentley. It is presumably because the December report merely mentioned White that the FBI felt it necessary two months later in February to compile that "special and detailed report" to which Brownell also referred in Chicago. "As you know," Brownell said, "the FBI was not allowed to make those facts public, but merely to present its findings confidentially to higher authorities." The press waited all day in vain for him to "allow" the FBI this time to make public the facts on which its charges were based.

Brownell's Biggest Misstatement

The most shocking misstatement made by the Attorney General at Chicago was that, "White died without the prior Administration ever having acted on the FBI report." While the reporters were waiting outside Brownell's door, the *Washington Star* appeared on the streets with a story which gave the lie to Brownell. T. Vincent Quinn, District Attorney of Queens County, New York, told the *Star* by telephone that he and Thomas J. Donaghan of the Justice Department presented the Bentley charges and "everything we had" to a special grand jury in 1947 but that the evidence was insufficient to indict.

The next day the *Newark Evening News* disclosed that no less than 500 FBI agents worked for a year after hearing the Bentley charges. "Every effort," the *Newark Evening News* reported, "was made to put Miss Bentley back into her espionage contacts. No move was made all year by the FBI against White or any other suspect . . . the agency did not want to arouse the suspicions of persons on whom it was checking. However, by January, 1947, the official said, the FBI concluded it couldn't reestablish Miss Bentley's contacts and gave up the operation."

Donaghan, the FBI man, who worked with Quinn that year in presenting the case to the grand jury, is now special assistant to Brownell in charge of international security. How can Brownell say that the Truman Administration was given "full and adequate notice of White's spying activities" early in 1946 when even a year later, after 500 FBI men had worked on the case, the evidence was neither "full" nor "adequate" enough for an indictment.

Evidence or Suspicion?

The failure to obtain an indictment throws a singular light on the FBI statement upon which Brownell relies. "This information," the FBI said in the February, 1946, report, "has been received from numerous confidential sources whose reliability has been established either by inquiry or long established observation and evalution." If the sources were so "numerous" and so "reliable" it is strange indeed that Quinn, in telling the *Star* about the grand jury proceedings, should say, "We can't indict on suspicion." If the prosecutor characterizes this evidence as mere "suspicion," can it have been as good as the FBI's "numerous" and "reliable" implies?

The man who ought to be subpoenaed in this case is J. Edgar Hoover. There is reason to believe that White was under surveillance long before Miss Bentley told her story. Brownell said in Chicago, "The FBI became aware of White's espionage activities at an early point in his government career and from the beginning made reports on these activities to the appropriate officials in authority." White entered the government in 1934. When did these reports begin and what did they allege? Why did none of the Attorneys General—

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Report From the Grass Roots: That Witch Hunt in Philadelphia's Schools

Robert L. Kunzig, who made his debut in Washington this year as counsel to the House Un-American Activities Committee, is a tall stoutish young man with the manner of a Restoration dandy; in his moments of exasperation with a recalcitrant witness or an obtuse committee member, he seems almost on the verge of reaching into a flowery waistcoat for the comforts of a snuff box. He is a Philadelphia lawyer (Clark, Ladner, Fortenbaugh & Young) and takes the House committee back to his native city Monday (November 16) for three days of hearings. These deserve national attention. They will show how a Congressional investigating committee may be used to nullify State legislation designed to protect State employes and teachers in the witch hunt.

Politically, the hearings will be a curtain-raiser for the 1954 elections in once safely Republican Pennsylvania, a try-out on the local scene of the new G.O.P. strategy of staking all on the Communist issue. Though these three days of televised hearings will deal with alleged "subversion" in the schools, they will have a wider impact. Their outcome will affect the political future of Philadelphia's two political hopefuls, municipal reform Democrats reaching out for bigger conquests, District Attorney Richard Dilworth who hopes to run for Governor next year and Mayor Joseph Sill Clark, who may some day be a possibility for the Presidential nomination.

A Return Engagement

For Dilworth and Clark, this is a return engagement. As Deputy Attorney General of Pennsylvania during 1951-52, Kunzig led the fight at the State Capitol for the Pechan loyalty bill, lobbying for it on the floor of the Legislature. Clark and Dilworth, both associated with Americans for Democratic Action and the American Civil Liberties Union, campaigned against the bill. In Philadelphia, with a strong Quaker tradition, the opposition rallied both local papers, the *Bulletin* and the *Inquirer*, and many conservatives, including former Supreme Court Justice Owen J. Roberts. The result was a defeat for Kunzig, the adoption of certain model protective amendments which deserve to be copied elsewhere. Kunzig hopes to succeed in doing via Committee hearings what he would be unable to do under the State law as passed.

The Pechan Act forbids the employment in government and in the schools of "disloyal" persons and provides for their discharge. But in its final form looser standards of the subversive list variety were omitted and "disloyalty" or "subversion" linked directly to advocacy of change by force and violence.

The Act provides that the appointing authority "may" act to discharge an employe, including teachers, but this must be "upon written complaint." If there appears to be substance to the complaint "the person [accused] shall immediately be privately and confidentially notified." The Act goes on to say that there shall be "No public announcement, release, statement or comment concerning the investigation . . . unless and until the person is discharged." The accused has the right to counsel and to a hearing within 30 days, and the option of having the hearing in public or private.

Safeguards Against The Anonymous Accuser

The orignal bill would have allowed the source and content of accusations to be withheld from the accused on security grounds, as in Federal loyalty hearings. "The charges," the original bill said, "shall be stated as specifically and completely as in the discretion of the appointing authority security considerations permit." This was stricken out. A complementary section on procedure in loyalty hearings said "Evidence shall *not* be restricted by the rules of evidence and procedure prevailing in the Courts." The "not" was taken out and new provisions added. One provided that all testimony had to be given under oath or affirmation, thus excluding anonymous accusation and guaranteeing the right to confront the accuser. Another accorded the defense the right to reasonable cross-examination and to subpoena witnesses and records on its own behalf.

For these precise standards and modes of procedure, Kunzig will be able to substitute methods the State Legislature rejected. A former FBI man, Earl Fuoss, has been working undercover, and an advance leak has already provided eight column headlines. It would appear that House investigators have found evidence that "at least 20 to 30" Philadelphia school system "were or are" members of the Communist party. Since Philadelphia has about 7,500 school teachers, that would seem less than stupendous. If true, it would mean that one-third of one percent of Philadelphia's teachers "were or are" Communists. This drop of radicalism in the school system is unlikely to do as much harm as the Committee.

The Board of Education Panics

The Board of Education has already been panicked into offering up a sacrificial victim. A favorite target of Philadelphia's professional patriot organizations is Mrs. Lillian Lowenfels, a teacher of French in the veterans' program at the Benjamin Franklin High School. Her real crime is connubial. She is the wife of Walter Lowenfels, managing editor of the Pennsylvania edition of the Daily Worker, one of eight Philadelphia Communists recently indicted under the Smith Act. Last Monday the Superintendent of Schools, Louis P. Hoyer, ordered her suspended for "incompetency and persistent and willful violation of the laws of the Commonwealth of Pennsylvania." She is charged with refusal to say whether ten years ago she was a member of the City Committee of the Communist Party. Trial has been set for December 3.

Three members of the Board of Education were not present when the rest of the Board unanimously voted to take this action. One of the absentees, perhaps significantly, was Walter Biddle Saul, its president. A respected elderly conservative lawyer, a member of one of Philadelphia's old families, Saul opposed the Pechan bill in its original form and has resisted the local witch hunters. His own attitude was reflected in the precise wording of a statement he gave the Philadelphia Bulletin on October 21. He said that so far as he knew there had "never been any subversive teaching in any public school in the city" and added that he assumed that if any evidence of law violations were uncovered by the House committee it would be sent to the Board of Education for appropriate action "in accordance with the laws of the Commonwealth." These laws may already have been breached by the Board of Education itself in publicly suspending Mrs. Lowenfels in advance of trial and by raising questions not covered by the Pechan Act.

To say, as Mr. Saul does, that he has no evidence of "subversive teaching" is to speak in such old-fashioned terms as to seem suspect. The phrase implies a framework in which people are convicted on the basis of words or acts for which objective proof may be offered. The witch hunt rests on faith in influences too mysterious to be susceptible of proof, and too sinister to be treated with due process. As was said recently of the Feinberg law "aimed at protecting New York school children" from "teachers who were spreading Communist propaganda"—"the poisonous propaganda was sufficiently subtle to escape detection in the class room." This was not said tongue-in-cheek but quite seriously in an address before the Law Club of Chicago last week by Attorney General Brownell. If it was too subtle to be detected, it could not be proven. In Philadelphia, as elsewhere, the idea that people may be pilloried, ostracized, fired and punished for their ideas without proof of misconduct may turn out to be a good deal more subversive than anything a handful of hounded radicals can do or say.

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Answer to the G.O.P.'s Problem

If it is important to keep "subversive" persons out of government, teaching, research and the opinion industries, is it less important to keep them out of the place where the ultimate power in our country is exercised—the voting booth? A handful of "subversives" may swing the balance in a close election. Or they may infiltrate a major party let us say, the Democrats, as some good Republicans have been suspecting ever since FDR (or indeed since Jefferson himself).

A loyalty test for voters would require more subtle methods than in the case of government workers or teachers. It would not do merely to ask whether the voter is or ever has been . . . He can claim to be a Democrat. He may be a Republican. When Martin Agronsky on his TV show, At Issue, interviewed Dennis Driscoll, leader of the recent cattlemen's march on Washington, Driscoll said he was a Republican and had voted for Eisenhower because he wanted a change. But as soon as cattle prices fell, Driscoll wanted a change again. When Agronsky asked Driscoll whether his demand for price supports must not lead inevitably to socialism, Driscoll said the cattlemen didn't care what you called it, so long as they got the government help they needed.

There's the danger. Merely to exclude a few thousand Communists from the polling places would not be enough. Even outlawing the Democrats (just temporarily, of course, until purged) would also be inadequate. What of the Republicans like Driscoll who want policies which lead inevitably to government control of the economy, as in Socialist Britain or Communist Russia? Why bar a few suspects from Federal employment and allow misguided people of this kind to vote anti-capitalists into our highest offices?

How easily this problem could be solved, and all that worry about the 1954 elections ended, by barring from the polling places as security risks everyone who ever voted for FDR or Harry?

Back to Burleson?

The Espionage Act of 1917 makes non-mailable any matter (1) advocating treason, insurrection or forcible resistance to any law of the United States, and (2) in time of war making "false reports or false statements" with intent to interfere with military operations, cause insubordination in the armed forces, or obstruct recruiting. Wilson's Postmaster General, Burleson, distinguished himself in World War I by using these provisions for widespread political censorship of the mails, and they were utilized in World War II against six publications—four rightist (including Social Justice), one pacifist and one Leftist (the Militant, a Trotzkyist organ).

Despite the truce in Korea, Eisenhower's Postmaster General seems to be reviving their use. The April, 1953, issue of a mimeographed publication, Vets' Voice, a Leftist organ, has been declared non-mailable. A similar proceeding has been begun by the Postoffice Department against New World Review, which was formerly known as Soviet Russia Today. The September, October, November and December 1952 and the January, 1953, issues were declared non-mailable (although long since mailed) and the October 1953 issue has been held up for study.

Strictly speaking, the government might be hard put to prove that anything in these issues really advocated treason, etc., or obstructed recruiting, but (as Zechariah Chafee shows in his classic, Free Speech in the United States) these provisions can and have been very loosely construed. Considering the growing recklessness of this Administration, we believe it would be well for liberal and radical editors to consult together now for mutual defense against the threat of postal censorship and suppression.

Quote-of-The-Week

". . . If then Russia gets a promise of financial aid to develop her internal resources, and if she need not fear attack, then I believe the moment will have come to negotiate with a reasonable chance of success. There is a great deal of fear in the Soviet attitude. It is not fear of Germany, but of being attacked by the U.S."—Chancellor Konrad Adenauer, as interviewed by U.S. News & World Report, for November 13, 1953.

The One Way to Unite Europe

It is a pity the UN does not have power to hold elections of its own in the Russo-American impasse over Germany and Europe. We suspect that there would be similar majorities on both sides of the Iron Curtain if Eastern Europe were asked, "Do you want the Russians to stay or withdraw?" and Western Europe were asked, "Do you want American bases on your soil or would you rather have the Americans go home?" If there is one permanent fact of international politics which no revolution can change, it is that no people likes to have the soldiers of another power on its soil—even allied soldiers in time of war are a source of irritation. This is the one issue which could really unite Europe today from the Irish Sea to the old Russian border.

Add Worries

And as if we didn't have enough to worry about, the Washington Times-Herald has discovered, "National Anthem Lags in Record Sales, Survey of Leading Stores Here Discloses. Famed Soprano Calls Situation Shocking. Song Isn't Even Available on New Speed Discs."

INAUGURATING A NEW FEATURE

With this issue, we launch a new feature—*Report from The Grass Roots.* We hope to make it a means of covering local situations of national interest from time to time, especially on issues and in areas where local press coverage is inadequate or one-sided. Several thousand Philadelphians who may be seeing the *Weekly* for the first time can subscribe by using the blank on the reverse side, and assure themselves of an independent hard-hitting report from Washington every week. To regular readers, don't forget that you can get a renewal *and* a gift for only $9. Renewing ahead of time will ease one of the basic headaches from which all publications suffer. So please do it now.

With many thanks,

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The Truman-Brownell Battle May Prove Decisive

(*Continued from Page One*)

Murphy, Biddle, Jackson, Clark—act upon them? Was everybody out of step but Hoover? Or were those reports too flimsy to carry weight?

About a year and a half after White died, Walter Trohan, who has good FBI news sources, reported in the *Chicago Tribune* and *Washington Times-Herald* (February 1, 1950) that White's mail had long been under secret surveillance. "White's name," Trohan reported, "was on a postoffice list of persons wrose mail was stopped for examination in 1943 and 1944. The examination may have continued until White left Washington in 1948. . . . The White mail was opened and photographed in 1943 after Chambers named Hiss and White as his sources of government secrets when Chambers was a Soviet spy." Trohan added, "It could not be learned what evidence was obtained by examination of White's mail. A high government investigator said the agency was satisfied long ago that White had subversive connections."

Just What Did the FBI Find?

This reference to "subversive connections" is tantalizing. For in the notoriously loose vernacular of government loyalty investigations, "subversive connections" may be a long way from espionage. Just what did the FBI find? And just when does the presumption of innocence begin? White had been in Washington since 1934. The FBI began to watch him early. If the Trohan story is true, his mail was opened and photographed from 1943 on. After the Bentley story, a small army of FBI men tried to help her reestablish the contacts she claimed to have and dug up all the evidence it could find to support her. Yet a grand jury, after hearing her and them, failed to indict not only White but a single one of the other persons she named! After all this surveillance and effort, is it fair to speak as Brownell does—to give the impression that the facts were indisputable and the charges proven? To smear man in his grave?

The *Newark Evening News* recalled that in her first public appearance before the House Un-American Activities Committee, Miss Bentley "said that while she was sure White was a member of the ring she had never seen him." The *News* reported, "The former official who told of the FBI's futile efforts to tag White with a grand jury case, said that had been her story to the FBI, too." Was it fair of the Attorney General not to mention that Miss Bentley's charges were hearsay and that Chambers himself said White was too "independent" ever to accept the discipline of the Communist Party? This is the background against which to assess the indignant question Eisenhower dodged at press conference Wednesday—whether he thought the FBI report was justified in calling White a spy when a grand jury refused to believe it on the basis of that same FBI evidence?

Afraid to Tackle Truman?

As we go to press, the House Un-American Activities Committee has called off its Friday session to hear former President Truman. We believe that Velde and his colleagues, especially after Eisenhower's virtual repudiation of Brownell earlier in the day, lost their nerve. The ex-President would make a doughty witness, and we hope the committee will yet screw up enough courage to question him.

A battle has begun which may decide the future. Either this excursion in ghoulishness will finally bring a public revulsion against the witch hunt or America will be driven further along the road to Fascism. Brownell's voice was the voice of men driven desperate by fear that power is again slipping from them. The recent elections, like the uproar from the farm country, shows how superficial was that cry for a change. The tide toward the welfare state is not reversible. The recognition is beginning to make Fascist adventurers of once responsible conservatives; their strategy is to rule by fear and to ruin by smear. The shrewd New York *Daily News* said Monday, "By vigorously, incessantly and justly throwing 'party of Moscow' dirt at the Fair Deal Democrats, the Republicans might well remain in power for a generation to come."

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